

**REMARKS**

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-23 were pending. Claim 6 is canceled through this Reply. Therefore, claims 1-5 and 7-23 are pending. Claims 1, 2, 3, 4, 5 and 13 are independent.

**ALLOWABLE SUBJECT MATTER**

Applicant appreciates that the Examiner has indicated claims 8, 15, and 16 define allowable subject matter.

**NO NEW ISSUES PRESENTED**

In this Reply, claims 5, 7 and 13 are amended and claim 6 is canceled. Claim 5 is amended to include the feature of the canceled dependent 6. Claim 7 is amended merely to amend the dependency necessitated by cancellation of claim 6. Claim 13 is rewritten in independent to include the features of independent claim 5. No new issues are presented.

**§ 102 REJECTION – NAKAGAWA**

In the Final Office Action, claims 1-5, 9 and 19-23 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Nakazawa, et al. (USP 6,331,903). As noted above, claim 5 is amended to incorporate the features of

the canceled dependent claim 6. Thus, the rejection of claim 5 based on Nakagawa no longer applies. Also because claims 9 and 23 depend from claim 5, the rejection of these dependent claims based on Nakagawa no longer applies as well. *Claims 5, 9 and 23 are addressed below.* Regarding the rejection of claims 1-4 and 19-22 based on Nakagawa, Applicant respectfully traverses.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Nakazawa fails to teach or suggest each and every claimed element. In the Reply filed on July 30, 2004, Applicant amply demonstrated that Nakazawa cannot be relied upon to disclose the feature of “wherein the steps of obtaining the image data, replaying the image data, receiving the output instruction, generating the order information, displaying on the display medium all image data output, and certifying the order are carried out in the digital camera” as featured in independent claims 1-4.

As a response, the Examiner indicated that he considers the negative film scanner 10 as being equivalent to the digital camera as claimed since it includes a CCD 13 that captures images. *See Office Action dated January 13, 2005, page 2, Response to Arguments.* In the Reply filed on April 13, 2005,

Applicant amply demonstrated that such an interpretation is clearly improper.

Applicant maintains that the Examiner's interpretation is improper.

However, even if the Examiner's unreasonable allegation that the film scanner 10 of Nakazawa is equivalent to the digital camera as recited is assumed to be true for sake of argument, the Examiner's allegation still fails. As noted above, the steps of obtaining the image data, replaying the image data, receiving the output instruction, generating the order information, displaying on the display medium all image data output, and certifying the order are carried out in the digital camera as recited.

However, it is noted that the film scanner 10 of Nakazawa at best merely scans the images recorded in the film cartridge 80. The film scanner 10 has no capability whatsoever to perform all of the steps that the digital camera as recited is capable of. For example, the film scanner 10 cannot generate an order information and cannot certify the order.

For at least the reasons stated above, independent claims 1-4 are distinguishable over Nakazawa. Claims 19-22 depend from independent claims 1, 2, 3 or 4. Therefore, for at least the reasons stated with respect to the independent claims as well as on their own merit, claims 19-22 are distinguishable over Nakazawa.

Applicant respectfully requests that the rejection of claims 1-4 and 19-22 based on Nakazawa, be withdrawn.

§ 103 REJECTION – NAKAZAWA, ALLEN

In the Final Office Action, claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Allen, et al. (USP 5,737,491). The scope of claim 5 as amended is substantially the same as the scope of the canceled claim 6. In addition, claims 9 and 23 depend from amended claim 5. Therefore, Applicant treats this as a rejection of claims 5, 7, 9 and 23 based on a combination of Nakazawa and Allen. As such, Applicant respectfully traverses.

Independent claim 5 recites, in part “wherein the photographing means, the image recording means, the display means, the instruction receiving means, the order information recording means, the order content confirming means, and the order certifying means are provided in the digital camera.” It has been clearly demonstrated above that Nakagawa cannot be relied upon to teach or suggest at least this feature.

Allen has not been, and indeed cannot be, relied upon to correct for at least this deficiency of Nakagawa. This alone is sufficient to distinguish claim 5 over the combination of Nakagawa and Allen.

There are other distinctions. Nakazawa is merely directed to a system that can scan a film in which images of the objects are already recorded. Since the images of the recorded in a film cannot be deleted, images recorded in a

recording medium can be recovered by scanning the film again even if the images in the recording medium are accidentally deleted.

In contrast, the inventions as claimed are directed to a digital camera that can obtain an image of a real object. If the image recorded in the recording medium is deleted, the image cannot be recovered. Thus, a feature of the claimed invention as recited in claim 5 includes canceling means to cancel the order operation. For example, when a new printing instruction is input or an image file is deleted after confirmed order information is recorded, the confirmed order is automatically canceled. Nakagawa is entirely silent regarding this feature.

Contrary to the Examiner's allegation, Allen cannot be relied upon to correct for at least this deficiency of Nakagawa. Allen merely teaches that when an image file, which is to be printed is deleted, the print order can be updated. However, Allen is completely silent regarding canceling the confirmed order as recited in claim 5.

It should be noted that Allen is also silent regarding canceling the confirmed order when a new printing instruction is input.

For at least the above stated reasons, claim 5 is distinguishable over the combination of Nakazawa and Allen. Claims 7, 9 and 23 depend from independent claim 5 directly or indirectly. Therefore, for at least due to the

dependency thereon as well as on their own merits, these dependent claims are also distinguishable over the combination of Nakazawa and Allen.

Applicant respectfully requests that the rejection of claims 5, 7, 9 and 23 based on Nakazawa and Allen, be withdrawn.

**§ 103 REJECTION – NAKAZAWA, WALKER**

Claims 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Walker, et al. (USP 6,381,582). Applicant respectfully traverses.

It has been shown above that claim 5 is distinguishable over Nakazawa. Walker has not been, and indeed cannot be relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is distinguishable over the combination of Nakazawa and Walker.

Claim 10-12 depend from independent claim 5. Therefore, for at least due to the dependency thereon as well as on their own merits, claims 10-12 are also distinguishable over the combination of Nakazawa and Walker.

Applicant respectfully requests that the rejection of claims 10-12 based on Nakazawa and Walker, be withdrawn.

§ 103 REJECTION – NAKAZAWA, SLOTZNICK

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Slotznick (USP 5,983,200). Applicant respectfully traverses.

Independent claim 13 recites, in part “wherein the photographing means, the image recording means, the display means, the instruction receiving means, the order information recording means, the order content confirming means, and the order certifying means are provided in the digital camera.” It has been clearly demonstrated above that Nakagawa cannot be relied upon to teach or suggest at least this feature. Slotznick has not been, and indeed cannot be, relied upon to correct for at least this deficiency of Nakagawa.

Therefore, for at least the above stated reason, claim 13 is distinguishable over the combination of Nakazawa and Slotznick. Claim 14 depends from independent claim 13. Therefore, for at least due to the dependency thereon as well as on its own merit, claim 14 is also distinguishable over the combination of Nakazawa and Slotznick.

Applicant respectfully requests that the rejection of claims 13 and 14 based on Nakazawa and Slotznick, be withdrawn.

§ 103 REJECTION – NAKAZAWA, PARULSKI, WATANABE

Claims 17 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Nakazawa in view of Parulski, et al. (USP 5,440,343), and in further view of Watanabe (USP 6,529,236). *See Office Action, items 18-20.* Applicant respectfully traverses.

It has been shown above that independent claim 5 is distinguishable over Nakazawa. Parulski and Watanabe have not been, and indeed cannot be, relied upon to correct for at least the above noted deficiencies of Nakazawa. Therefore, claim 5 is also distinguishable over the combination of Nakazawa, Parulski, and Watanabe.

Claims 17 and 18 depend from independent claim 5. Therefore, for at least the reasons stated with respect to independent claim 5 as well as on their own merit, claims 17 and 18 are distinguishable over the combination of Nakazawa, Parulski, and Watanabe.

Applicant respectfully requests that the rejection of claims 17 and 18 based on Nakazawa, Parulski, and Watanabe, be withdrawn.

**CONCLUSION**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to

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be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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